

The Gazette of India



EXTRAORDINARY
PART II—Section 3
PUBLISHED BY AUTHORITY

No. 314] NEW DELHI, MONDAY, MAY 10, 1957/JYAISTHA 20, 1879

ELECTION COMMISSION INDIA NOTIFICATION

New Delhi, the 29th May, 1957

S.R.O. 1930.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 437 of 1957, presented to the Commission on the 3rd May, 1957 under section 81 of the said Act, by Shri Sudhir Laxman Hendre, Flat No. 52, V Floor, Warden Court, Gowalia, Tank Road, Bombay-26 calling in question the election to the House of the People from the Bombay City Central Parliamentary constituency of that House of Shri Shripad Amrit Dange, Shah Niwas, Municipal House No. 3, Kohinoor Road, Dadar, Bombay-14, and Shri Gopal Kaluji Manay, M.H. No. 38 F.B.I.T. Chawl No. 5, Suparibaug Road, Bombay-12.

Presented to me by Shri Sudhir Laxman Hendre whose signature has been obtained in the margin and attested as having been signed before me this the third day of May, One Thousand Nine Hundred and Fifty Seven.

(Sd.) S. L. HENDRE,

Attested.

(Sd.) A. KRISHNASWAMY AIYANGAR,
Secretary Election Commission, India.
3-5-57.

(Sd.) A. KRISHNASWAMY AIYANGAR,
3-5-57.

Secretary Election Commission, India.

ELECTION PETITION NO. 437 OF 1957

In the matter of the representation of the People's Act, 1951. Election Petition under section 81 to set aside the election to the House of People from the Bombay City Central constituency held on the 11th day of March, 1957.

BEFORE THE ELECTION COMMISSION, NEW DELHI

Sudhir Laxman Hendre of Bombay, Inhabitant residing at flat No. 52, V Floor, Warden Court, Gowalia, Tank Road, Bombay-26, without the Fort of Bombay—*Petitioner.*

Versus

1. Shripad Amrit Dange, of Bombay residing at Shah Niwas Municipal House No. 3, Kohinoor Road, Dadar, Bombay-14, without the Fort of Bombay.

2. Gopal Kaluji Manay of Bombay Inhabitant residing at M.H. No. 38 F.B.I.T. Chawl No. 5, Suparibaug Road, Bombay-12 without the fort of Bombay.

3. Gangadhar Dattatraya Ambekar, of Bombay Inhabitant residing at M. H. No. 57, Block No. 3, Bakri Villa, Lakhams Road, Dadar, Bombay-14, without the Fort of Bombay.

4. Narayan Sadoba Kujrolkar, of Bombay Inhabitant residing at M.H. No. 185, Suparibaug Road, Parel, Bombay-12, without the Fort of Bombay.....

5. Eknath Martand Awati, of Bombay Inhabitant residing at Khandke Bldg. No. 3, N. S. Kelkar Road, Dadar, Bombay, without the Fort of Bombay.

6. Nilkanth Baburao Parulekar, of Bombay Inhabitant residing at 157, Princess Street, Bombay-12, without the Fort of Bombay.

7. G. V. Bedekar, Returning Officer, Bombay City Central Parliamentary Constituency Education Department, Old Secretariat, Fort, Bombay-1....

8. Pralhad Keshav Atre of Bombay, Inhabitant residing at Amod, Cadell Road, Shivaji Park, Bombay-28.....without the Fort of Bombay —Respondents.

The Humble Petition of the Petitioner above named, respectfully sheweth:

1. That the Petitioner was a duly nominated candidate for election to the House of the People from Bombay City Central Constituency at the elections to the House of the People held on the 11th day of March 1957.

2. That the Petitioner had duly filed his nomination papers as candidate from the Bombay City Central Constituency. The Petitioner's nomination was duly accepted on the 1st of February 1957. The Respondents Nos. 1 to 6 were the other duly nominated candidates to the House of the People from the same constituency as that of the Petitioner. The Respondent No. 5 retired from the contest at the elections to the House of the People from the same constituency. Respondent No. 7 was duly appointed as the Returning Officer for the said Constituency. The Respondent No. 8 was the Editor Printer and Publisher of Maratha a daily newspaper and carried on propaganda for Respondent Nos. 1 and 2.

3. That the said election to the House of the People was held in the said Constituency on the 11th day of March 1957 at 770 booths.

4. At the said election at about 53 polling stations the ballot boxes bearing name and symbol of the Petitioner were never kept or kept late in the polling compartments thereof.

5. At the said election the name of the Petitioner was struck off from the Notice Boards displayed at the entrance of more than one polling station, and name and symbol of the Petitioner was not properly displayed on the ballot boxes of the Petitioner.

6. That counting of votes polled at the said election took place between 14th day of March 1957 and 21st day of March 1957 both days inclusive.

7. That a repoll was ordered at the Victoria Memorial School for the blind, 73, Tradeo Road in respect of the polling area of Tradeo Road, Municipal House No. 3 to 71 on 21st day of March 1957.

8. That the respondent No. 7, who was the duly appointed Returning Officer of the said Constituency declared the result of the said elections, and further declared Respondent No. 1 as duly elected to the General seat and Respondent No. 2 as duly elected to the seat reserved for the scheduled castes.

9. That the Petitioner had appointed about 10 polling agents and one election agent and the Petitioner and the election agent could not check more than 40 polling stations from 770 polling stations in the said constituency.

10. That the Petitioner was an independent candidate holding views and opinion critical of the Congress Party as well as the Communists Party of India.

11. The Petitioner questions the validity of the said election and/or the election of the Respondents Nos. 1 and 2 on the following amongst other grounds:—

(a) That the said election has become void by reason of the failure on the part of Presiding Officers at Booth No. 127/9, 73, Tradeo Road in Byculla and at Booths No. 130/31 to 34, at Naurbz Baug Compound in Seewree Constituency and at 48 other polling stations in Lalbaug, Chinchpokili Mazagaon Koliwada, Matunga, Vadala, Khedgully, Tulsipipe Road, etc. etc. to perform the statutory obligations of placing ballot boxes displaying Petitioner's name and symbol in the polling compartments at the time of the commencement of the elections at 8 A.M. on 11th March 1957, and to perform statutory obligation to check whether lists, notices or other documents affixed by or under the authority of a Returning Officer were in order, properly maintained or destroyed defaced or removed

(b) That the Respondent No. 7 erred in ordering the Petitioner's ballot boxes to be kept in the said 53 polling stations after 11-30 P.M. only

after the Petitioner brought to his attention the absence of the ballot boxes bearing Petitioner's name and symbol at Booth No 127/9 in Byculla Assembly constituency

- (c) That the Respondent No 7 erred in not allowing inspection of the ballot boxes to the Petitioner on 12th March 1957, at the time of unloading of ballot boxes from lorries and placing the ballot boxes inside the convocation Hall where the counting of votes was to take place in spite of the Petitioner's request that he be allowed to count and check the condition of the ballot boxes in view of several complaints received by the petitioner from his voters, that at several other polling stations besides Booth No 127/9 the ballot boxes bearing Petitioner's name and symbol were never kept or kept late in the day, after 11-30 A.M
- (d) That the Respondent No 7 erred in ordering simultaneous elections at 770 polling stations thereby making it impossible as well as difficult for his staff as well the Petitioner to check ballot boxes simultaneously in 770 polling stations at the commencement and closing of the polling at 8 A.M and 5 P.M. respectively on 11th March, 1957
- (e) That the Respondent No 7 erred in starting the counting of votes on 14th March, 1957, in spite of the protest lodged by the Petitioner with the respondent No 7 as well as the Chief Electoral Officer, Bombay and the Election Commissioner, New Delhi
- (f) That the Respondent No 7 erred in partially declaring the results of the elections form 14th March 1957, upto 21st March 1957 and in finally declaring the results on 21st March 1957
- (g) That the Respondent No 7 erred in ordering repoll only in respect of the polling area of Tardeo Road MH No 3 to 71 and in not ordering repoll in respect of the polling areas of 52 other polling stations
- (h) That the Respondent No 7 erred in starting the counting of votes and continuing the counting thereby making it impossible as well as difficult for the petitioner to collect sufficient evidence in respect of the absence of ballot boxes bearing Petitioner's name and symbol in 52 polling stations and place the same before the Election Commission.
- (i) That the Respondent No 7 erred in not stopping the elections, and/or not ordering fresh elections and/or not ordering fresh elections in 52 polling stations
- (j) That the Respondent No 7 erred in dismantling the polling stations indicated in the petitioner's correspondence with the respondent as well as the election commission, thereby making it impossible as well as difficult for the petitioner to identify the exact numbers of the polling stations where the Petitioner's ballot boxes were never kept or kept late in the day
- (k) That prior to and at the said election the respondent No 1 and 2 and/or their election agents, polling agents, canvassers, employees, supporters, with their knowledge and/or consent, and/or connivance practiced extensively undue influence and/or corrupt practices in furtherance of the prospects of the Respondents No 1 and 2
- (l) Prior to and at the said election the Respondents No 1 and 2 and respondent No 8 acting on behalf of Respondents No 1 and 2 and/or their agents, canvassers, employees and supporters with their knowledge and/or consent and/or connivance indulged in a deliberately misleading propaganda through written and spoken statements appealing to the voters to vote for the Respondents No 1 and 2 and refrain from voting for the Petitioner on the ground that the respondents No 1 and 2 are the only genuine proponents of Samyukta Maharashtra while the Petitioner was a bogus candidate and did not believe in the cause of Samyukta Maharashtra and/or was put up as a candidate by Shri Y B Chawan, Chief Minister of Bombay and Mr S K Patil, President of the BPCC knowing the same to be false, and having no reason to believe it to be true thus prejudicing the chances of the Petitioner's election in furtherance of the election of Respondents No 1 and 2 amounting to corrupt practice within the meaning of the section No 123(4) in so far as the respondent No 1 and No 2 and No 8 indulged in this malpractice by making oral and/or written statement in the Petitioner's constituency, thereby prejudicing the prospects of the Petitioner's elections by discrediting the Petitioner personally by creating doubt about genuineness of the

Petitioner's candidature and about the personal character and/or conduct of the petitioner.

- (m) Prior to and at the said election the respondent No. 1 and No. 8 and/or their agent, canvassers, supporters, employees carried on systematic propaganda appealing to the brahmin voters in the petitioner's constituency, to vote for Respondent No. 1 only as Respondent No. 1 belonged to brahmin community and refrain from voting for the Petitioner as the Petitioner did not belong to brahmin community and belonged to non-brahmin community.
- (n) Prior to and at the said election the respondent No. 1 and respondent No. 8 acting on behalf of Respondent No. 1 and/or his agent etc. indulged in corrupt practices, bribery with the object of directly or indirectly inducing Mr. E. M. Avati to retire from contest at the said election and also inducing electors in the Petitioner's constituency to vote for respondents No. 1 and 2 and refrain from voting for the petitioner at the said election which amounts to corrupt practice within the meaning of section 123 (1 a-b).
- (o) Prior to and at the said elections the respondents No. 1 and 2 and respondent No. 8 and/or their election agents, canvassers, employees, and supporters with their knowledge and/or consent and/or connivance and/or encouragement indulge in intimidation and wholesale terrorization and threats of physical violence, social ostracism, spiritual censure and divine displeasure on large scale throughout the constituency to coerce the voters to vote for respondents No. 1 and 2 and to refrain from voting for the petitioner in furtherance of the prospects of the respondents No. 1 and 2 and thereby exercised undue influence and/or otherwise interfered or attempted to interfere, with the free exercise of the electoral right of voters interested in the Petitioner which amounts to corrupt practice within the meaning of section 123 (2).
- (p) At the said election the respondents No. 1 and 2 and/or their election agents, polling agents, canvassers, employees and supporters with their knowledge and/or consent and/or connivance indulged in exhibiting posters, printings and printings badges and shouting slogans exhortations and carrying on other propaganda in favour of the Respondents No. 1 and 2 within the prohibited distance of the polling booths in furtherance of the prospects of the Respondents No. 1 and 2.
- (q) Three days prior to the elections and at the said elections the Respondents No. 1 and 2 and their election agents, canvassers employees and supporters, with the knowledge and/or consent, and/or connivance deliberately spread a false rumour throughout the constituency that the Petitioner has either withdrawn or retired in favour of Respondent No. 1 and therefore the voters in the Petitioner's constituency should not vote for the petitioner as it would amount to wasting their votes.
- (r) At the said election the respondent No. 1 and 2 and/or their election agents, canvassers, employees, supporters with the knowledge and/or consent and/or connivance misled the voters interested in the Petitioner on their way to the polling stations by informing the said voters that the petitioner has withdrawn and/or retired from the contest at the said election and therefore they should not waste their votes by voting for the Petitioner.
- (s) At the said election the polling agents of the respondent No. 1 and No. 2 obtained or attempted to obtain assistance of presiding officers and polling officers for the furtherance of the prospects of the election of the respondents No. 1 and No. 2 by inducing or attempting to induce the presiding officers and/or polling officers not to keep the ballot boxes of the petitioner in the polling compartments by falsely informing them that the petitioner had already withdrawn and/or retired from the said contest at the said election, and by defacing the name of the petitioner on the notice boards hung at the entrance of the polling compartments in more than 1 polling station and in about 53 polling stations in the said constituency.
- (t) Prior to the elections the respondent No. 1 and No. 2 and/or their election agents, canvassers, employees and supporters with their knowledge, and/or consent, and/or connivance made it impossible for the petitioner and/or his canvassers, supporters, and/or employees, to approach the voters and/or distribute the hand bills, voter's cards and other literature in the said constituency.

- (u) Prior to the said election the respondent No. 1 and No. 2 and/or their election agents, canvassers and supporters, employees with their knowledge and/or consent and/or connivance threatened the canvassers, supporters, employees and the voters interested in the Petitioner with the physical injury if they should distribute the petitioner's hand bills, voter's cards or otherwise solicit the votes of voters in the Petitioner's constituency.
- (v) That the respondents No. 1 and No. 2 did not take reasonable means for preventing the commission of corrupt practice by their election agents, polling agents, supporters, canvassers, employees and other persons nor did the respondents No. 1 and No. 2 themselves cease to indulge in the corrupt practices upto the last days of the declaration of the results that is 21st of March, 1957.
- (w) That the corrupt practices indulged in by the respondents No. 1 and No. 2 and/or by their election agents, polling agents, and canvassers, supporters, employees were not of trivial character and which did materially affect the result of the election in favour of the respondents No. 1 and 2 and against the Petitioner.

12. In the circumstances aforesaid the petitioner submits that the alleged election in which respondents No. 1 and 2 were declared elected was neither fair nor free and has become void; and that without prejudice to the above contention and in the alternative the petitioner submit that by reason of the facts aforesaid the said election has become void.

13. A list of the particulars of the failure on the part of the presiding officers to perform statutory obligations and of the particulars of the corrupt practices indulged in by the Respondents No. 1 and No. 2 and No. 8 and/or their agents, canvassers, employees, and supporters with their knowledge and consent and/or connivance as well as a list of the particulars of the material irregularities perpetrated by the Returning Officer of the said Constituency and/or his agents prior to and at the said election is annexed hereto and marked Ex. "A" collectively.

14. The Petitioner has deposited Rs. 1,000/- with the Reserve Bank of India in favour of the Secretary, to the Election Commission as a security for costs of this petition as required by law. Here to annexed and marked Ex. "B" is a receipt and a copy thereof showing that the said amount has been so deposited in the Reserve Bank of India.

The Petitioner therefore prays:—

- (a) That the alleged election of the respondents No. 1 and 2 be set aside and declared void as well as the whole election in the said Constituency be declared totally void.
- (b) That a fresh election be ordered in the said constituency.
- (c) That the respondents No. 1 and 2 be ordered to pay the Petitioner's total costs of this Petition as well as matters arising out of the same.
- (d) That such further and other reliefs may be granted to the Petitioner as the nature of this petition may require and warrant.

(Sd.) S. L. HENDRE,
Petitioner.

I, Sudhir Laxman Hendre, of Bombay, inhabitant the Petitioner above named, residing at 52, Warden Court, Gowalia Tank Road, Bombay—26, without the fort of Bombay, do hereby solemnly declare that what is stated in the foregoing petition is true to my own knowledge, information and belief and I believe the same to be true.

(Sd.) S. L. HENDRE,
Petitioner.

Solemnly declared at Bombay, aforesaid this 1st day of May, 1957.

(Sd.) A. K. DOSHI, 1-5-57.

Petitioner's advocate.

Before me.

(Sd.) Registrar and Presidency
Magistrate, Esplanade, Bombay.

Ex. "A" Collectively

1. List of Polling Stations and areas of polling stations where ballot boxes of the Petitioner were never kept and/or kept late in the day, and the name of the Petitioner was struck off from the notice boards.

Polling station No. and Address.

1. 127/9—Victoria Memorial School for the Blind, Tardeo.
 2. 132/31 to 34—Pandal on space in Nouroz Baug Compound, Government Gate Road, Parel, Bombay-12.
 3. 48. other stations in arears in Lalbag, Chinchpokli Mazagaon, Koliwada, Matunga, Vadala, Khedgally, Tulsi Pipe Road etc. where the booths were dismantled and could not be identified by the voters who complained to the Petitioner after 11th March 1957.
2. List of corrupt practices alleged to have been committed by the Respondents No. 1 No. 2 and No. 8 and/or their agents, canvassers, employees and supporters.

Particulars

Publication by Respondent No. 8 of false statements about personal character or conduct of the Petitioner and petitioner's candidature in Maratha, a Marathi daily paper edited and published by the Respondent No. 8.

(a) Who is this single-handed fighter?

After we came to know that one man called Sudhir Hendre is contesting a seat to Lok Sabha from Bombay City Central, along with the candidate of the S. M. Samiti Com. S. A. Dange and the congress candidate Shri G. D. Ambekar, we started inquiring about this great single-handed fighter desirous of representing the 6,00,000 voters in this constituency. Since Hendre had declared that he was the editor of the Ambassador, a fortnightly magazine, we thought that we would get a grand inkling in his political thought in the magazine and searched for it on all stalls in Bombay. But we had to give the information about this magazine to the stall holder! After a lot of effort we learnt that Mr. Hendre is a director in some company called Amortex Agencies.

(Translation of the relevant paragraph of sub editorial comments in Maratha dated 30th January 1957, page 2).

(b) S. K. Patil's Schemes.

To

The Editor, Maratha.

As per Maratha dated 30th January 1957, it appears that Mr. S. K. Patil has put up Dr. Birje against the Samiti's candidate Dr. Naravane. But I had a sample of Mr. Patil's plot, fifteen days earlier. One man had come to inform that he was standing as independent candidate for Lok Sabha from Bombay City Central Constituency. This man's candidature is also Patil-sponsored. But even though so many independent candidates, would stand against the S. M. Samiti's candidates, the whole masses have come to know the evil plot of the congress Government etc.....etc.....S/d Mrs Vijaya Vinayak Parpatte, Dadar.

(The relevant portion of a letter published in Maratha dated 3rd February 1957, page 2 letter column called PACHAMUKHI).

(c) Three Musketeers (Tieshingrao).

....Dr. Birje and Dr. Desai have now become enemies of Samyukta Maharashtra. Another "Tismarkhan" Sudhir Hendre has joined them. Not only we, but no one else had ever known the name of Sudhir Hendre. This unknown man has made this bold stunt to contest these elections along with Dange and Ambekar only to become well known. It is reported that these three have opened a united front.....Sudhir Hendre should not attract the wrath of the followers of Dr. Ambekar by false statement made with a view to obtain a few votes of the Scheduled Caste Federation. We should not have acknowledged the statement

issued by the three. But to inform the voters of S. M. Samiti how certain evil persons make false and misleading propaganda against the "Samiti" we have dealt these three musketeers in three parts. (Teen pat) in the coming elections.....

(Relevant portions of the Editorial comment in Maratha dated 9th February 1957, page two column 1 and 2).

(d) *Hendre's Propaganda Stunts.*

To the Editor, Maratha,

It is well known that Dr. Birje, Dr. Desai, and Sudhir Hendre have opened a triangular front to oppose S. M. Samiti. From these, some boys were distributing leaflets for Mr. Hendre's publicity. On the top of these leaflets it is written that Mr. Hendre, the Independent candidate believing in the cause of United Maharashtra "in bold type" below which appear the words "the Advocate of Practical Socialism". These independent candidates have stood wholesale to oppose the S. M. Samiti i.e. to cut their own noses only to create ill omens for the nationalist hopes and aspiration of the masses? Even then these independent candidates are not ashamed of themselves or of the people in making such misleading propaganda and is it necessary to introduce these candidates to the masses? If they want to oppose the S. M. Samiti they should do it openly, why should they call themselves the believers in United Maharashtra? If this is the behaviour and integrity of these independent candidates, should not the discerning know what public work these will do? Therefore the public should select them like stones and throw away in a corner.

(Sd.) Mrs. SARALA GADKARI, Bombay,

(Translation of the letter published in "PACHAMUKHI" Columns in Maratha dated 12th February 1957), page 2.

(e) *Traitors' front.*

Really this United front, of Hendre, Birje, and Desai is living on the support of Mr. S. K. Patil.....

(Translation of relevant portion of editorial comments appearing on page 2 of Maratha dated 8th February 1957).

(f) *History of Hendre's candidature.*

To the Editor, Maratha,

Some Independent candidates, who have opposed the S.M. Samiti candidates by contesting Lok Sabha and Vidhansabha seats, have issued a press statement about their candidature in a press conference. I am not concerned about the details of the Press statement. But let us (only) see why and how the independent candidate Sudhir Hendre has stood for this election. Hendre was the right hand man of Shri Yashwantrao (B). Chavan in the movement of 1942, was the well wisher and sympathiser of Mr. Y. B. Chavan and used to help the latter when underground with money, meals, and shelter. Hendre was the host dear friend and adviser of Y. B. Chavan in Bombay before he became Minister. In 1951, Yeshwantrao (B) Chavan started for his oath-taking ceremony after he became Minister with the coconut and garland of felicitation from Hendre, after the oath-taking ceremony Hendre gave Yeshwantrao after (B) Chavan* but Hendre did not get any contracts from Yashwantrao after the latter became Minister; therefore Hendre left friendship, house and name of Y. B. Chavan.

The elections came. The election front of S.M. Samiti came into being. Lists of candidates started getting ready. Hendre started efforts that samiti should nominate him from any where in Bombay or else where he wanted a seat to contest: when no seat was vacant he showed his willingness to contest against Jedhe. But after he came to know that S.M. Samiti was not willing to support him at its candidate he became disappointed.

The date of filing nomination was only one or two days ahead. Yeshwantrao Chavan's mother came to Bombay and went straight to stay at Hendre's residence. From 1951 Hendre-Chavan relations had deteriorated, and after 1952 Hendre had not stopped in Chavan's residence. That Hendre now went to Yeshwantrao's residence with the latter's mother. The two talked things over. Next day the said Hendre filed his nomination for the seat from City Central

*A big technicolour dinner party at the night of the oath-taking ceremony

Constituency and Chavan's mother went to Satara straight from Hendre's residence.

When this much is told, is anything more required?

(Sd.) SUDHIR CHAVAN, Bombay.

(Translation of a letter published in Panchamukhi column in Maratha Page 2 dated 14th February 1957).

(g) *Don't sit. fall down!*

Shri Sudhir Hendre, the independent candidate for Lok Sabha from City Central, want to make election propaganda in a respectable Maharashtrian locality. He was hoping that after seeing his neat dress and car, the higher class Maharashtrians would vote for him.

He rang a bell of a door in a house. The owner himself opened the door. Since there was no reason, for people to know, Sudhir Hendre's name or face the house holder started observing Hendre and asked "Who you"? I have not recognised you! If you are an insurance agent I am already insured.

Hendre was slightly startled. But pretending to smile he said "I am Sudhir Hendre!" "I am standing!"

The house holder did not understand Hendre's object but he was gentleman and said immediately. "Oh why do you stand, come in and sit down!"

Hendre said restraining his anger, "Not that, I am standing for election"

The householder said "Oh is it so? You appear to be Maharashtrian. Then you must be standing on behalf of S. M. Samiti. Very good. Our votes to you only!"

Hendre said "No I am standing as an independent candidate believing in United Maharashtra opposing the S.M. Samiti." Listening to this the householder got irritated and said "Oh is it so? Then do not sit, Fall!"

And that house-holder banged the door so violently that Sudhir Hendre really fell down.

(Translation of sub editorial appearing in Maratha dated 15th February 1957.)

(h) *Ban on the wise man Mounted on the Camel.*

Dr. Naravance's lion of the legislative assembly will pounce upon the lion of Shri Hendre independent candidate for Lok Sabha as the latter lion is calculated to mislead the voters and then it will be revealed that Hendre's Lion will be identified as a different animal wearing the Lion's skin given by Yeshwantrao B. Chavan.

(Translation of the relevant portion from sub editorial comment appearing in Maratha dated 7th March 1957).

(i) *Com. S. A. Dange's danger warning:—*

Because United Maharashtra Movement has smashed Congress dictatorship, the party, in power has got upset. Their agents are trying to rake up legal obstacles in the elections to Lok Sabha as far as two seats from City Central are concerned.

A man named Hendre was standing for elections. Yeshwantrao Chavan clique is getting an application filed through this man in order to get the elections set aside.

If Election Commission becomes a party to this plot we shall have to fight again.

Therefore our roles, lists, cards and volunteers all this organisations should be kept in tact as it is. Do not believe that work is over and disorganised. I am compelled to make this public request.

(Sd.) S. A. DANGE,

The 15th March, 1957.

Chairman S. M. Election Samiti.

(Translation of Com. Dange's Press Statement appearing in Maratha on 1st page on 16th March, 1957)

(j) Mr. E. M. Avati's photo on the 3rd page Maratha, dated 12th March, 1957.

(k) Repoll at Booths No. 9 at Tardeo.

"In this connection it is reported that Mr. Avati's ballot box was placed by mistake in the place of Mr. Hendre's ballot box. This mistake was not detected up to 12 noon."

(Translation of relevant portion of the misleading version of the Press statement issued by Director of Publicity, Bombay, appearing on 19th March, 1957 on 3rd page of Maratha.)

(1) A man named Shri Hendre advised by Yeshwantrao Chavan and Democratic Research Service, an institution financed by American money, is standing for Lok Sabha from Bombay City Central Constituency.

(Translation of relevant portion of editorial comment published on 2nd page, Maratha, dated 20th March, 1957)

3. (a) Obstacles created and threats of physical violence given to the canvassers of the Petitioner to prevent them from distributing handbills and entering buildings, bye-lanes to contact voters on Sleighter Road, D. L. Vaidya Road, Parel Road, Vadala, Clerk Road, B. D. D. Chawls at Worli, Delisle Road, Ferguson Road, Naigaum Hind Mata Cinema Lane, Dadar, Rowli Camo, etc., etc.

(b) False rumours about retirement of the petitioner spread throughout the constituency and obtaining assistance of presiding officers to keep ballot boxes out of polling compartments under the same plea.

(c) Appeal to Brahmins by Respondent No. 1 and in various election meetings.

(d) Statements made by Respondents Nos. 1, 2 and 8 and/or their election agents, canvassers supporters, and employees in various election meetings held on the following dates at following places:—

List of the meetings held.

Date	Place	Speakers
1-2-57 . . .	Gokhale Hall Brahman Sabha	S. A. Dange, G. K. Maney
5-2-57 . . .	Ghodapdev	Dange
6-2-57 . . .	B.D.D. Chawls No. 93	Dange, Maney,
8-2-57 . . .	Damodar Hall	do.
12-2-57 . . .	C. K. P. Hall	Dange, Maney Atray
14-2-57 . . .	Jacob Circle	Maney, Atray
19-2-57 . . .	Sewree Naka	Dange, Maney
24-2-57 . . .	Shastri Hall, Tardeo	do.
25-2-57 . . .	Love Lane, Mazagaon	do.
26-2-57 . . .	Subhash Nagar, Delisle Road	do.
27-2-57 . . .	Budha Mandhir, Maiden, Worli	do.
28-2-57 . . .	Madhavbhuvan Compound, Delisle Road,	do.
1-3-57 . . .	Kamgar Maidan	do.
2-3-57 . . .	Khetwadi Pan Bazar	do.
2-3-57 . . .	Bhatchawl, Compound, Arthur Road.	do.
3-3-57 . . .	Gandevi J. K. Bldg.	do.
6-3-57 . . .	Society Bldg., Matunga	do.
6-3-57 . . .	Labour Camp, Matunga	do.
9-3-57 . . .	Chauparti and Shivaji Park	Dange, Maney and Atray

(e) Lists of Correspondence with Returning Officer, Bombay and Election Commission, New Delhi leading to this election petition:—

1. Letter to Returning Officer, dated 11th March 1957, delivered personally at 12.00 p.m.
2. Letter to Election Commission, dated 11th March, 1957.
3. Telegram to Election Commission, dated 12th March, 1957.
4. Letter to Election Commission, dated 12th March, 1957.
5. Telegram to Election Commission, dated 13th March, 1957.
6. Letter to Election Commission, dated 14th March, 1957.
7. Letter to Election (.) 1957.

8. Telegram to Election Commission, dated 18th March, 1957.

9. Copy of the Presiding Officer's statement, dated 11th March, 1957.

10. Election Commission's final letter to Petitioner, 3rd April, 1957.

From:

The Secretary,
Election Commission, India.

Dated, the 3rd April, 1957.

To

Shri Sudhir Hendre, B.A., LL.B.,
82, Warden Court,
Gowalia Tank Road,
Camballa Hill,
Bombay-26.

Sub: Fare and Free Election.
Sir,

In continuation of the Commission's letter No. 61/4/57/12306 dated the 22nd March 1957, I am directed to state that the Chief Electoral Officer, Bombay, who was requested to enquire into the matter has reported that there was no evidence to show that a box was not placed for you within polling compartment at any polling station other than polling station No. 9 Byculla in respect of which a repoll has been held. The result of the election now having been declared, any grievance against the result of election should be made by way of an election petition if so desired, and the Commission has not been authorised by law to interfere at this stage.

Yours faithfully,

(Sd.) A. S. NADKARNI, Under Secy.

(f) Copy of Petitioner's letter to the Supdt. of Police, Lamington Road Police Station, dated 25th February, 1957.

(g) Copy of the Alternative Programme for India, a draft Programme of the Liberal Democratic Party of India written and published by the petitioner dated July, 1956.

From: Shri Sudhir Laxman Hendre,
52, Warden Court,
Gowalia Tank Road,
Camballa, Hill, Bombay-27.

14th March, 1957.

To

The Returning Officer,
Bombay City Central Parliamentary Constituency,
Bombay-1.

Dear Sir,

I have to request you to suspend and stop counting of votes in the Bombay City Central Parliamentary Constituency as the election has become void due to the failure on the part of Presiding Officer at Booth No. 127/9, 73, Tardeo Road, and also on the part of several other Presiding Officers to perform statutory obligation of placing ballot boxes displaying my name and symbol in the Polling Compartment at the time of the commencement of elections at 8 a.m. on 11-3-57.

I personally brought this matter to your attention at 11-15 A.M. on 11-3-57 at your temporary office on Delisle Road. I was accompanied by the Presiding Officer. The Presiding Officer admitted in my and your presence that he had not kept my box in the polling compartment and that my name was struck off from the yellow placard bearing candidates' names and symbols. He explained to you in my presence the polling agents of opposing candidates advised him that I had retired from the election and therefore he did not keep the ballot box at the commencement of the elections in the polling compartment alongside of the other candidates' boxes.

At the polling booth No. 127/9, I had asked the Presiding Officer to give me in writing that he had not kept my box in the polling compartment, he told me that he would consult you and asked me to accompany him to your office.

When I asked you that I want a written statement from the Presiding Officer or you, you told me that immediately the Presiding Officer prepares his statement you would give me a copy and there was no reason to make panchnama. I relied on your word. But you have upto this time not delivered to me the copy of the said statement. The matter is covered by separate correspondence between us.

I have also to state that the oral order given by you to the Presiding Officer in my presence to keep my ballot box as late as 11-30 A.M. on 11-3-1957 in the
is in law.

I could not visit all booths but as I happened to meet voters from Lalbaug, Chinchpokli, Byculla and Mazagaon in last two days about 38 voters told me that my ballot boxes were not kept in the polling compartments when they had gone for voting. I have already brought to your notice the fact that opposing candidates had resorted to this propaganda against me that I have retired from the election and it is proved that they could successfully induce the Presiding Officers who believed the polling agents of the opposing candidates and thus did not keep my ballot boxes in the various polling compartments at various booths.

Without alleging collusion on the part of the polling agents and some Presiding Officers I can state that at several polling booths my boxes were never kept in the polling compartments or kept late in the day with the result that the election in this Parliament constituency has become void.

I have sent two telegrams to the election Commissioner requesting him to stop counting votes and order re-election in this constituency. I hereby request you again to stop counting votes and order re-election. If however you are determined to proceed with the counting of votes you will have done so in spite of my protest. I therefore, desire to record my protest which I hereby do that your insistence on proceeding with the counting of votes is morally wrong and bad in law as the election has become void. I have to state that I have sufficient reason to believe that in several polling compartments at several booths my ballot boxes were never kept late in the day and this has rendered the election void.

Kindly therefore suspend and stop counting of votes and order re-election in this constituency and oblige.

Yours truly,
(Sd.) S. L. HENDRE.

Copy to:—

The Election Commissioner, New Delhi.
Chief Electoral Officer, Bombay.

From:—Sudhir Hendre, B.A. LL.B.
52, Warden Court,
Gowalia Tank Road,
Cumballa Hill, Bombay-26.
Dated 16th March, 1957.

To,

The Election Commissioner,
New Delhi.

Ref:— Your letter of 14-3-1957.

Dear Sir,

In continuation of my previous correspondence through telegrams and copies of letters addressed to the Returning Officer, Bombay City & Central Parliamentary Constituency, I have to state that in Books 130/31 to 34 boxes were never kept or kept later in the day, correct address of the Booths being Pandals in Nowroz Baug compound on Government Gate Road, in Sewri Constituency.

I have also further reports from my voters that on my boxes there was no slip depicting my name although symbol was there. This happened in several instances in Matunga Constituency.

On 12-3-1957, I wanted to check the boxes and the conditions in which they arrived at the Convocation Hall where counting was to take place. I have to state that the Returning Officer did not allow me to count the boxes or check the seals and labels on the boxes as they were being arranged in the Hall after being unloaded from the lorries.

As I am an independent candidate, I could not muster sufficient number of polling agents to survey, check and keep watch over 770 booths. It appears to me that to have election in one day where the booths are 770 is creating a major obstacle in the way of independent candidates and small parties which cannot claim thousands of workers, volunteers or paid staff. It would have been better if the Polling would have been spread over in such a way as to enable candidates to check all booths in given areas.

On the day of elections the volunteers who went to guide the voters from house to house on behalf of Samiti candidates also informed the Voters that I have withdrawn or retired from the elections. I have also to record that the Samiti candidates sent thousands of volunteers to carry on false propaganda against me to the effect that I have withdrawn, just two days prior to the election, which false news I had no means to de

Officers were also informed accordingly, thus misleading them to keep my boxes outside the Polling Compartments and strike off my name from Official Notices displayed at the entrance of the various Polling compartments. The hypothesis on which this strategy was employed was that as I am an independent candidate all such votes I would claim would reduce Com. Dange's votes.

My another grievance and complaint against the Samiti candidate is that they prevented my volunteers from distributing leaflets and otherwise carrying on propaganda. I have lodged Police complaint in the Lamington Road Police Station.

My third grievance and complaint against the Samiti candidates is that they terrorised my supporters and compelled them to issue press-statements denying their support to me, as many of my supporters were carrying on business or staying in closed pack areas where the Samiti could prevent any help in the event of any trouble.

I am collecting further evidence to identify the Booths in which my boxes were never kept, or kept late my names were struck off from the placards, and my boxes were without my names or symbols. But as I have to approach all such voters who brought these serious irregularities to my notice, I have to request you to stop counting votes or alternatively withhold the declaration of results till your investigations as per your letter No. 465/4/57 of 14th March, 1957, are complete, or the re-poll is ordered on merits of my case.

If however, you come to the conclusion which alone is just correct and unavoidable that repoll be ordered in this constituency, kindly give 12 days time. In my press-statement, dated 3rd March, 1957, I have referred to my son's falling down from 11 feet wall in which he suffered serious head-injury, the boys who were playing with him now reveal that the main reason that he was stoned from below by some unidentified persons. I am also forwarding shortly all the press cutting from the Maratha the Daily which is organ of the Samiti to prove that a constant attempt was made by the Samiti candidates to incite the Voters against me and otherwise put me in an unfavourable position in this election, by making a false propaganda against me to the effect that I was put up by Mr. S. K. Patil, the B.P.C.C. Chief or Mr. V. B. Chawhan, the Chief Minister of Bombay on behalf of the Congress party.

I have contested these elections with the assumed support of 80,000 voters to start with, the least I expected is not to lose my deposit. This along with other chances have been jeopardised by the negligence of some presiding and Polling Officers at various booths, as if the machinations of opposing parties were not enough.

I will continue to identify booths where the irregularities making this election void, have taken place. In the meanwhile I request you to order repoll and suspend counting of votes. Some press cuttings which speak for themselves are enclosed.

Yours truly,

(Sd.) S. HENDRE.

(Sudhir Hendre).

Copy to:—

1. The Returning Officer, Bombay.
2. The Chief Electoral Officer, Bombay.

(Sd.) S. HENDRE.

Translation of Com. Dange's Statement in Marathi Daily Navakal,
dated the 16th March, 1957

"Because Samyukta Maharashtra Samiti overwhelmingly defeated the Congress, the agents of Congress are trying to prove that the elections are void. Mr. Sudhir Hendre, who contested Lok Sabha elections is being used by Chavan Group for this purpose. Therefore, I request all volunteers, workers to be ready for repoll and keep the lists, cards etc. for the purpose."

Monday, 11th March, 1957

To

The Returning Officer,
Central Bombay Parliamentary Constituency,
Municipal Marathi and Gujarati School,
Delisle Road, Bombay.

Sir,

I, the undersigned Shri E. P. Bharucha, Presiding Officer at Polling Station No. 9 at Victoria Memorial School for the blind, Tardeo, Bombay-7, have to report to you as follows:—

Having been informed by majority of the Polling Agents present at my Station that Candidates No. 5, Shri Parulekar and No. 7, Shri Hendre have withdrawn from the contest and also having seen their names scored out in the play-card hung on the wall, I didn't put their ballot boxes in the polling compartment.

At about half past ten on seeing a gentleman wearing the badge of candidate, entering my Station, I approached him and requested him to let me know his name. On hearing his name as Shri Hendre I was completely surprised and immediately informed him what I have stated in the foregoing paragraph. Thereupon he informed me that he knew that the Samyukta Maharashtra Samiti was playing mischief and spreading rumour, and that was why he was on a round of visit to different polling stations. I may add here that not a single voter had brought this fact to my notice, prior to my talk with Shri Hendre.

Hence, immediately we (Shri Hendre and I) called on you at your H. Qrs. at Delisle Road.

As per your orders I have placed two ballot boxes, one for Shri Hendre and Shri Parulekar) immediately that at 11-40 A.M. in the polling compartment, in the presence of my Zonal Officer Shri Kaulas.

As per your order I have submitted this report.

Your faithfully,
(Sd.) E. P. BHARUCHA.

True Copy.

(Sd.) G. V. BEDEKAR.

Returning Officer, Bombay City Central Parliamentary Constituency.

EX. "B"

CHALLAN No. C 95

Copy of the Challan of Cash paid into the Treasury Sub-Treasury Imperial Reserve Bank of India.

To be filled in by the remitter.

By whom tendered name and address of the person on whose behalf money is paid	Sudhir Laxman Hendre. Flat No. 52, V Floor, warden	Head of Accounts	Revenue Deposits
---	--	------------------	------------------

Court, Gowalla
Tank Road, Bombay-26.

Full particulars of the remittance and the authority (if any)	Amount.
Deposit in favour of Secretary Election Commission	
New Delhi as Security for costs of election Petition	
Re. Bombay City Central Parliamentary constituency.	1000-0-0
	1000-0-0

In wards Rupees one thousand only.

Received payment of Rs. 1000/- Rupees one thousand only.

RECEIVED PAYMENT
29 APRIL, 1957.

FOR RESERVE BANK OF INDIA

(Sd.) XXX
P. Manager

P.A.D
C. 95 BOMBAY

1, Sudhir Laxman Hendre, of Bombay, Inhabitant, The Petitioner above named, residing at 52, Warden Court, Gowalia Tank Road, Bombay 26, without fort of Bombay, do hereby solemnly declare that what is stated in the foregoing paragraphs of Ex. "A" is true to my own knowledge, information and belief and I believe the same to be true.

Solemnly declared at Bombay, Aforesaid this 1st Day of May 1957.....

Before me.

(Sd.)

Registrar and Presidency Magistrate,

Esplanade, Bombay.

(Sd.) A. K. DOSHI.

1st May, 1957.

Petitioner's Advocate.

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE'S ACT, 1951
BEFORE THE ELECTION COMMISSION, NEW DELHI

Sudhir Laxman Hendre—*Petitioner.*

Vs.

Shripad Amrit Dange and another—*Respondents.*

PETITION

Declared on this 1st May, 1957.

[No. 82/437/57.]

By order,

DIN DAYAL, Under Secy.